

### **REMARKS**

This responds to the Office Action mailed on May 18, 2006, and the reference cited therewith.

Claims 2, 15, and 20 are amended; Claims 16, 17 and 21 are canceled. Thus, claims 1-15, 18 - 20, and 22 - 25 are now pending in this application.

### **§102 Rejection of the Claims**

Claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gutierrez et al. (US 5,871,720).

To sustain an anticipation rejection, each and every element or step in the rejected claims must be taught or suggested in the cited reference.

In the Office Action, the Examiner acknowledges that the Gutierrez does not describe an amino acid salt as is claimed in the present application. To the contrary, Gutierrez teaches away from the present invention, see column 10, lines 33-34 of Gutierrez, "... aluminum / zirconium salts complexed with a neutral amino acid such as glycine, as is known in the art." And, claim 25 of the Gutierrez also describes "... aluminum/zirconium salts complexed with a neutral amino acid". Thus, the Gutierrez reference does not describe a use of an amino acid salt as is claimed in the present application.

Because the Gutierrez does not include each and every element as is claimed in independent claims 1, 10, 15, 18, 20 and 22 of present application, the reference cannot be said to anticipate these independent claims.

Claims 2-9, 11-14, 19, and 23-25 are dependent claims to these independent claims. Thus, for the reasons discussed for the independent claims, the Guterrez reference cannot be said to anticipate these dependent claims.

Furthermore, according to claim 11 of the present invention, the propylene glycol concentration is within a range of about 65 to 90% w/w. The Gutierrez reference does not teach this technical feature. In fact, the Gutierrez teaches away from claim 11 of the present invention. See the examples, for example, the propylene glycol concentration is 51.7% in example 6; 35% in example 7; 34.9% in example 8; 29% in example 11; 41.7% in example 12; 40.4% in example 13; 41.5% in example 19; 34.3% in example 20; 41.5% in example 21; and 34.3% in example 22. Thus, this also show that the Gutierrez reference does not anticipate claim 11 of the present invention.

Moreover, claims 22-24 of the embodiments of the present invention further define that the amino acid salt is zinc glycinate, sodium arginate, or sodium glycinate respectively. However, the Gutierrez reference does not teach the use of amino acid salt, accordingly, the Gutierrez reference does not mention the use of zinc glycinate, sodium arginate, or sodium glycinate. Thus, this also show that the Gutierrez reference does not anticipate claims 22-24 of the present invention.

Claims 16-17 and 21 are canceled.

Therefore, the Applicant respectfully requests the examiner to withdraw the §102(b) rejections to the pending claims 1-15, 18 - 20, and 22 - 25.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6966 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 17 August 06

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17<sup>th</sup> day of August 2006.

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